



Maryland Department of Budget & Management

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*Office of the Secretary
Division of Policy Analysis*

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Deputy Secretary*

AMENDMENT #2 – 9/27/2004 INVITATION FOR BIDS (IFB) NOVELL SOFTWARE RESELLER Project No. 050R4800407

Ladies/Gentlemen:

This Amendment #2 is being issued to amend and clarify certain information contained in the above referenced IFB. All information contained herein is binding on all bidders who respond to this IFB. Specific parts of the IFB have been amended. The following changes/additions are listed below; new language has been double underlined and marked in bold (i.e., **word**) and language deleted has been marked with a strikeout (i.e., ~~word~~).

1. **REVISE: “KEY INFORMATION SUMMARY SHEET”, page iii**
Closing Date and Time: **October 22-8, 2004 at 2:00 PM (Local Time)**

2. **ADD: “TABLE OF CONTENTS”, page iv**

SECTION 1-GENERAL INFORMATION

32) Minority Business Enterprise Subcontract Participation Goal Page 7

ATTACHMENT H – MINORITY BUSINESS ENTERPRISE INSTRUCTIONS AND FORMS

3. **REVISE: SECTION 1-8) Bids Due/Closing Date, page 3**

An unbound original and two (2) copies of each bid must be received by the Procurement Officer, at the address listed in Section 1.5) A., no later than **October 22-8, 2004, at 2:00 pm, Local Time**, in order to be considered. Requests for extension of this date or time shall not be granted. Bidders mailing bids should allow sufficient mail delivery time to ensure timely receipt by the Procurement Officer. Except as provided in COMAR 21.05.02.10, bids received by the Procurement Officer after the closing time and date will not be considered. Bids delivered by email or facsimile shall not be considered.

4. **ADD: SECTION 1-32) Minority Business Enterprise Subcontract Participation Goal, page 7**

32) Minority Business Enterprise Subcontract Participation Goal

A minority business enterprise subcontractor participation goal of 10% has been established for this solicitation. The contractor shall structure its awards of subcontracts under this contract in a good faith effort to achieve the goals in such subcontract awards by businesses certified by the State of Maryland as minority owned and controlled. MBE requirements are specified in Attachment H of this IFB.

A current directory of MBEs is available through the Maryland State Department of Transportation, Office of Minority Business Enterprise, P.O. Box 8755, B.W.I. Airport, Maryland 21240-0755. The phone number is 410-865-1244. The directory is also available at <http://www.mdot.state.md.us>. Select the MBE Program label. The most current and up-to-date information on MBEs is available via the web site.

5. **REVISE: SECTION 3-1) Bid Format, sub-para c), page 12**

Bidders must provide return procedures for products that are damaged, or deemed defective, ~~during shipment or incorrectly ordered.~~

6. **ADD: SECTION 3-1) Bid Format, sub-para e) vii) MBE Forms–ATTACHMENT H, page 12**
vii) MBE Forms–ATTACHMENT H

H-1 Certified MBE Utilization and Fair Solicitation Affidavit

H-2 Outreach Efforts Compliance Statement

H-3 MBE Participation Schedule

H-4 Subcontractor Project Participation Statement

7. **ADD: ATTACHMENTS, ATTACHMENT H – MINORITY BUSINESS ENTERPRISE INSTRUCTIONS AND FORMS, page 14**

ATTACHMENT H – MINORITY BUSINESS ENTERPRISE INSTRUCTIONS AND FORMS

(Forms H-1, H-2, H-3 & H-4 must be completed and submitted with the Bid.

Forms H-5 & H-6 shall be submitted monthly by the successful bidder/contractor)

8. **REVISE: ATTACHMENT A - CONTRACT, pages 15-21**

6.3 If any products furnished by the Contractor become, or in the Contractor's opinion are likely to become, the subject of a claim of infringement, the Contractor will, at its option and expense: a) procure for the State the right to continue using the applicable item, b) replace the product with a non-infringing product substantially complying with the item's specifications, or c) modify the item so that it becomes non-infringing and performs in a substantially similar manner to the original item. Contractor shall immediately notify the State's Procurement Officer and the State's Contract Manager, in writing, of the possibility of any claim of infringement arising hereunder.

6.4 The provisions of this Section 6 shall be applicable to Contractor only in the event:

a) Novell has not agreed to undertake each and every obligation specified in Subsections 6.1 through 6.3; or

b) a claim or suit under this Section 6, or the need to undertake action on behalf of the State and the Department under this Section 6 is attributable, in whole or in part, to Contractor.

27 **Payment of State Obligations.**

Payments to the Contractor pursuant to this Contract shall be made no later than thirty (30) days after the State's receipt of a proper invoice from the Contractor. Charges for late payment of invoices, other than as prescribed by Title 15, Subtitle 1, of the State Finance and Procurement Article, Annotated Code of Maryland are prohibited.

See Accompanying File "AMENDMENT #2 (ATT H)" for Instructions and Forms comprising Attachment H